Judge Marc L. Barreca
Hearing Location: Room 7106
700 Stewart St., Seattle, WA 98101
Hearing date: September 13, 2013
Hearing time: 9:30 a.m.

UNITED STATES BANKRUPTCY COURT FOR
THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE

IN RE: ADAM GROSSMAN, Debtor.	)))))))))	CHAPTER 7 CASE NO. 10-19817 TRUSTEE'S REPLY TO RESPONSES OF PETER ZIEVE AND STEPHEN J. LEBLANC TO TRUSTEE'S MOTION FOR ORDER CONFIRMING THAT REAL PROPERTY IS PROPERTY OF THE ESTATE

COMES NOW Ronald G. Brown, the trustee in the above entitled case, through his undersigned attorney, and submits this reply to the responses to the Trustee's Motion for Order Confirming That Real Property is Property of the Estate (ECF Docket No. 514, hereinafter the, "Motion") which were filed by Peter Zieve [ECF Docket No. 524] and Stephen J. LeBlanc [ECF Docket No. 525]. The responses of Messrs. Zieve and LeBlanc are hereinafter called, respectively, the Zieve Response and the LeBlanc Response.

The Zieve Response Reflects a Misunderstanding Regarding the Status of The Montcrest Property and the Objection Therein Should Be Denied

In the Zieve Response, Mr. Zieve wrongly asserts that the Montcrest Property is "held in trust, FBO the Ptarmigan Real Estate Fund, by Terrington Davies Capital Management" and indicates that the property cannot be property of the bankruptcy estate presumably because he believes that the Debtor did not have a personal ownership interest therein. The Debtor personally purchased the Montcrest Property in his name and subsequent thereto, through a series of transfers among himself, Ptarmigan Real Estate Fund ("Ptarmigan") and Terrington Davies Capital Management, LLC ("TDC") and other entities,

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transferred title to TDC as "Trustee for 868 Montcrest 2010 Family Trust." The Trustee has a pending adversary proceeding (No. 11-01954) against various defendants including Stephen J. LeBlanc, Ptarmigan, TDC and the aforementioned Family Trust for avoidance of the transfers of the Montcrest Property including the Debtor's unauthorized post-bankruptcy attempt to encumber the property. See, Second Amended Complaint (Adv. Docket No. 57). As set forth in the Motion (pages 3-4), the Court has already entered findings of fact/conclusions of law and default judgments avoiding several of the transfers and quieted title to the Montcrest Property in regard thereto in the Trustee. Contrary to what Mr. Zieve alleges the Trustee has not requested or sought a "seizure" of the Montcrest Property. The Trustee, rather, through his statutory powers under the Bankruptcy Code has avoided the Debtor's improper transfers of the property. Thus the Montcrest Property does not belong to the Debtor's various entities and as such, the analysis of Mr. Zieve contained in the Zieve Response is factually and legally incorrect. Thus there is no reasonable or legally cognizable basis alleged by Mr. Zieve for denying that the Montcrest Property is property of the bankruptcy estate. Therefore, the objection contained in the Zieve Response should be denied.

The Objection Contained in the LeBlanc Response is Not Applicable to the Montcrest Property or the Estate and Should Be Denied

Mr. LeBlanc, which according to the LeBlanc Response is a lawyer, does not appear to posit any factual or legal grounds for denying the Motion. As far as the undersigned can ascertain, the LeBlanc Response sets forth little or no material facts related to the Montcrest Property or its legal status. The majority of the LeBlanc Response appears to relate to his perceptions and believes regarding the status of what he calls the Tanager Fund, other real property that he wrongly believes was property of TDC or any other alleged investment entities or entities created by the Debtor. The LeBlanc Response dwells upon issues and assertions that do not appear to be reasonably connected with any determination of the

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status of the Montcrest Property. Therefore, the objection contained in the LeBlanc Response should be denied.

Conclusion

The objections contained in the Zieve Response and the LeBlanc Response, which are without merit, must be denied and the Motion should be granted.

DATED this 10th day of September, 2013

KRIEGMAN LAW OFFICE, PLLC

/s/ Bruce P. Kriegman
Bruce P. Kriegman, WSBA #14228
Attorney for Trustee

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PROOF OF SERVICE

I hereby certify that on September 10, 2013 I caused a true and correct copy of the foregoing to be served upon Peter Zieve at his e-mail address of PeterZ@electroimpact.com and Stephen J. LeBlanc at his e-mail address of stephen.j.leblanc@gmail.com.

DATED this 10th day of September, 2013

/s/ Bruce P. Kriegman
Bruce P. Kriegman

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